

NORTHAMPTON HUMAN RIGHTS COMMISSION

Filing a Complaint

For questions about filing a complaint, to determine if something that happened to you falls within the purview of the Human Rights Commission, or if you are simply thinking about filing a complaint:

Contact the Complaint Committee chair,

Jordana Amato:

jordana.amato@gmail.com

City of Northampton

Human Rights Commission

<http://www.northamptonma.gov/gsuniverse/httpRoot/hrc/>

email: NorthamptonHRC@yahoogroups.com

Complaints

If you believe your human or civil rights have been violated in Northampton within the last 180 days (approximately six months), you can file a complaint using the adjacent forms. Complaints may be brought or mailed to:

Human Rights Commission, c/o Mayor's Office, City Hall, Northampton, MA 01060

The Human Rights Commission investigates complaints of unfair practice or unequal treatment that is based on a person's:

- Race
- Color
- Religion
- National origin
- Sex
- Sexual orientation
- Age
- Ancestry
- Disability
- Marital status
- Veteran status
- Receipt of public benefits, including housing subsidies or other assistance
- Family status: Because one has children
- Gender identity and expression

After investigating the complaint, the Commission can:

- Refer complaints to appropriate agencies for further action or legal help, including the Massachusetts Commission Against Discrimination
- Investigate what has happened
- Help address and resolve the problem when possible and when all parties involved agree

To file a complaint:

Your complaint must include:

- ☐ Your name, address and telephone number
- ☐ The name of the person, people, business or agency with whom you have the complaint
- ☐ What happened
- ☐ The date or dates when this occurred
- ☐ Your signature verifying that your statement is true (under the pains of perjury)

If we accept your complaint for review, we will notify you by mail.

Please be advised: A copy of your complaint may be sent to the person(s), business or agency you have named in your complaint.

NORTHAMPTON HUMAN RIGHTS COMMISSION

HOW TO FILE A COMPLAINT

IMPORTANT INFORMATION: FILING A COMPLAINT WITH THE NORTHAMPTON HUMAN RIGHTS COMMISSION IS NOT A SUBSTITUTE FOR FILING A COMPLAINT WITH MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION (MCAD). IN ORDER TO PRESERVE YOUR LEGAL RIGHTS YOU MUST FILE YOUR COMPLAINT WITH THE MCAD WITHIN 180 DAYS OF THE ALLEGED DISCRIMINATORY ACT. THE FILING OF A COMPLAINT WITH THE HUMAN RIGHTS COMMISSION DOES NOT STOP THE RUNNING OF THE 180 DAY PERIOD IN WHICH AN MCAD COMPLAINT MUST BE FILED.

NOTE: Any document filed with an agency of the city is a matter of public record. This is a summary of the process required to file a complaint with the Northampton Human Rights Commission. Please see the document "Complaints" from the Northampton Human Rights Commission's Rules of Procedure for more detailed information and timelines.

1. If you have experienced discrimination or been denied opportunities in housing, employment, education or access to public accommodations because of your race, color, religion, national origin, sex, sexual orientation, gender identity, age, ethnic background, disability, marital or veteran status, or because you have children or receive public assistance, you may file a complaint with the Northampton Human Rights Commission. The date(s) of discrimination must have taken place within the last 180 days.

2. You must file your complaint in writing using the Commission's complaint form. You can pick up a complaint form from the Mayor's Office on the second floor of City Hall, 210 Main St., Northampton. You can also call the Mayor's Office at 413-587-1249 or email the office at mayor@northamptonma.gov and ask for a form to be mailed to you. Or you can print one out from the Commission's website at: www.northamptonma.gov/hrc

3. Complete the complaint form and sign it. Be sure to include:

- Your contact information: full name, address, telephone number; and e-mail address;
- The name of the person(s), organization or business you allege has discriminated against you; and the contact information for that person or entity: full name, address, telephone number; and e-mail address;

A written statement detailing the discriminatory act. Please include as much of the following details as possible:

- **who** (please name each person involved in the incident);
- **what happened** (describe incident);
- **when it happened** (date and time);
- **where it happened** (location);
- **why it happened** (if known);

- Also, please include the names and contact information of witnesses (if any).
- Last, YOU MUST SIGN THE COMPLAINT.

4. You may bring your complaint in person to the Human Rights Commission at the Mayors Office, City Hall, 210 Main St., Northampton, MA 01060. You may also mail it to the Commission by certified mail.

5. No later than 60 days after you file your complaint, you will receive a letter from the Commission confirming that your complaint was received. The Commission will also mail you a copy of the Commission's official rules about the complaint procedure.

6. A copy of your complaint will be sent by certified mail to the person or a representative of the organization or business you allege discriminated against you. That person has the right to file an answer to the complaint with the Commission.

7. After reviewing your complaint, the Commission's Complaint Committee will determine whether to continue fact finding or whether to dismiss your complaint if your complaint doesn't fall under the definition of *Unfair Practices* or has exceeded the 180 day time limit for filing a complaint. For a definition of *Unfair Practices* see the "Complaints" document mailed to you by the Commission or click on "Complaint Procedure" at www.northamptongov.ma/hrc/.

8. The Complaint Committee may ask to meet with you, the person or a representative of the business or organization who discriminated against you, as well as any witnesses. You will be informed of any meetings taking place. You have the right to attend those meetings. You also have the right to have a lawyer with you at any meetings at your own expense. Meetings of the Complaint Committee are open meetings unless the subject of the complaint falls within one of the exceptions to the Open Meeting Law, M.G.L. c. 30A, § 18, et seq.

9. The Committee may also decide to refer you and the person or representative of the organization or business who discriminated against you to mediation or to another agency or organization that may better help you resolve the complaint.

10. You have the right to withdraw your complaint at any time by filing a written request with the Commission stating the reasons why you wish to withdraw the complaint.

11. While the Commission is investigating your complaint, all information and documents relating to your complaint will be kept confidential by the Commission to the extent permitted by law. However, once the complaint process is completed, any documents made or received by the Commission will be public records unless the document is exempt from disclosure under the Public Records Law, M.G.L. c. 4, § 7, cl.

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If you have any questions regarding this **procedure** feel free to contact the Mayor's Office at 413-587-1249; or email the Human Rights Commission mayor@northamptonma.gov; type "Human Rights Commission question" in the subject line.

**HUMAN RIGHTS COMMISSION
CITY OF NORTHAMPTON, MASSACHUSETTS**

CITY HALL
210 MAIN STREET ROOM 12
NORTHAMPTON MA 01060-3199
413-587-1249
FAX: 413-587-1275

COMPLAINT

These 2 lines to be filled out by Human Rights Commission:

Complaint Number _____

Date Received _____

COMPLAINANT'S NAME: _____

COMPLAINANT'S ADDRESS: _____

COMPLAINANT'S TELEPHONE: _____

Day: _____

Evening: _____

COMPLAINT REPORTED AGAINST:

NAME: _____

ADDRESS: _____

DATE OF ALLEGED UNFAIR PRACTICE: _____

Turn over page to state details.

The undersigned Complainant hereby certifies that the facts alleged herein and on the reverse of this form and/or on the page(s) attached are true.

Signed under the penalties of perjury.

Signature

Date

STATEMENT OF ALLEGED UNFAIR PRACTICE

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From the Human Rights Commission's Rules of Procedure:

RULE 8 COMPLAINTS

8.1 DEFINITIONS:

- 8.1.1 *UNFAIR PRACTICE* – the denial of equal access or opportunity in, and/or discrimination in, matters of housing, employment, education, contracts, purchasing or public accommodations, on the basis of race, color, religious creed, national origin, sex, gender identity or expression, sexual orientation, age, ancestry, disability, marital status, veteran status, receipt of public housing or assistance, or because they have children.
- 8.1.2 *“PERSON”* – shall mean any natural person or legal entity.
- 8.1.3 *“COMPLAINANT”* – shall mean the person or persons filing the complaint.
- 8.1.4 *“RESPONDENT”* – shall mean the person or persons alleged in the complaint to have committed an unfair practice.

8.2 FORM AND FILING:

8.2.1 *WHO MAY FILE:* Any person or persons claiming to be aggrieved by an alleged unfair practice, or the duly authorized representative of such person(s) claiming to be aggrieved, or any organization, whether or not incorporated, whose purposes include the elimination of the unfair practice which is the subject of the complaint, and whose members include persons claiming to be aggrieved by the alleged unfair practice, may file a complaint with the Commission.

8.2.2 *FORM:* The complaint shall be in writing, on a form supplied by the Commission, and signed by the Complainant under the penalties of perjury. Any communication received by the Commission which appears to be in the nature of a complaint will be returned immediately to the person with a copy of the Commission's Complaint Form for completion. The form shall contain:

1. The appropriate identification of the complainant, including full name, address and telephone number.
2. The name or other appropriate identification of the person alleged to have committed the unfair practice.
3. A plain and concise statement of the facts of the alleged unfair practice.
4. The date(s) of the alleged unfair practice.

8.2.3 *FILING:* The complaint may be filed in person or by certified mail to Northampton Human Rights Commission, City Hall, 210 Main Street, Northampton, MA 01060, within 180 days of the occurrence or the last date of the alleged unfair practice.

The Commission shall acknowledge, in writing, receipt of the Complaint within sixty (60) days of its filing, and shall also forward a copy of the Commission's Rules relating to the complaint procedure.

8.3 SERVICE: As soon as possible, or in any event no later than sixty (60) days within the filing of the complaint, the Commission shall cause to be served upon the respondent, at the address furnished by the complainant, a copy of the complaint by certified mail, return receipt requested. The copy of the complaint shall be accompanied by:

1. A notice that the respondent may file an answer to the complaint within the time specified in these rules.
2. A notice to the respondent that the Commission is charged with assessing the merits of the allegations and helping the parties come to a resolution.
3. A notice that the failure to file an answer shall not be construed by the Commission as an admission of the allegations in the complaint, nor shall it prevent the respondent from participating in the Commission's fact finding, or in any attempts to resolve the matter.
4. If the Commission becomes aware of any acts of retaliation the information will be forwarded to the appropriate authorities.

8.4 RESPONDENT'S ANSWER: The Respondent may file a written answer to the complaint, signed under the pains of perjury. The answer shall contain appropriate identification of the parties, and a statement, in short and plain terms, of the respondent's defenses to each item in the complaint, and shall admit or deny the allegations of the complaint. If the respondent is without knowledge or information sufficient to form a belief as to the truth of any particular allegation, the respondent shall so state. Such statement shall have the effect of a denial.

8.5 REPRESENTATION OF PARTIES: At any stage in proceedings before the Commission, any party may be represented by counsel retained by such party at the party's own expense. The role of such representative at any meeting shall be limited to advising his or her client during such proceedings.

8.6 CONFIDENTIALITY: This section is governed by the Public Records Law, MGL c. 66, the Fair Information Practices Act, c. 66A, and the statutory definition of public records, c.4, '7 (26).

8.6.1. All information and documents received in connection with the filing of a complaint shall be confidential and for the internal use of the Commission and its staff, pursuant to c.4, '7 (26)(c), with the following exceptions:

- a. The complainant, respondent, and witnesses shall be entitled to copies of their own affidavits or other documents signed by them respectively;
- b. The final fact-finding report of the Commission shall be a public document; and

c. Upon the ultimate disposition of the matter by the Commission, whether by resolution through mediation, referral or dismissal, the materials related to a complaint, including any findings of fact and recommendations issued after fact-finding shall become public records to the extent that their release does not constitute an unwarranted invasion of privacy or otherwise violate the above-cited laws.

8.6.2. Mediation or other conciliation conferences conducted with respect to a complaint shall remain confidential and all information discussed or disclosed during the course of such conference shall not be made public without the written consent of both parties.

8.6.3. Any agreement arising out of mediation or other conciliation conference shall be an agreement between the complainant and the respondent, and shall be made public unless the parties agree otherwise.

8.7. WITHDRAWAL OF COMPLAINT:

A Complainant may request withdrawal of a complaint by filing a written and signed request with the Commission, setting forth the reasons therefor.

8.8. INITIAL REVIEW OF COMPLAINT:

Upon the filing of a complaint, a subcommittee of three (3) members of the Commission shall review the allegations contained therein, and may dismiss the complaint if it appears on the face of it that the Commission lacks jurisdiction over the parties or the subject matter of the complaint.

8.9. FACT-FINDING:

A. If a complaint has not been dismissed after initial review, a subcommittee of three (3) members of the Commission shall as soon as practicable meet with the complainant, the respondent and any witnesses presented by either party, and shall conduct such other inquiries as it deems necessary, to determine the truth of the allegations of the complaint. Both the complainant and the respondent shall be notified of all such meetings, and shall have the right to attend any such meeting.

B. Referral to mediation: At any point during such inquiries the subcommittee may refer the parties to mediation or other conciliatory process. Where the recommendations include mediation or other conciliatory process, the Commission may make provision for such mediation or conciliation services. Nothing herein shall prevent or prohibit the Commission from providing such mediation or conciliation services at the request of both parties.